

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, *et al.*,

Defendants.

Civil Action No. 3:17-01362

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, *et al.*,

Defendants.

Civil Action No. 3:17-01665

**STIPULATION AND [PROPOSED] ORDER REGARDING PARTY DISCOVERY
DISPUTES**

Plaintiffs the City of Huntington and Cabell County Commission (collectively “Plaintiffs”) and Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation (collectively, the “Parties”) agree to the following terms and conditions of this Stipulation to be filed and approved by the Court:

1. The Parties hereby agree that the following procedures shall apply to all party discovery disputes in this matter:

- a. Following a good faith effort to resolve a discovery dispute with opposing counsel through at least one meet and confer, the moving party may submit a motion to Judge Wilkes.
- b. Absent an order of the Court setting an alternative schedule:
 - i. Any written opposition to such motion shall be filed no later than **7 business days** after submission of the motion.
 - ii. Any written reply in further support of the motion shall be filed no later than **4 business days** after submission of the written opposition to the motion.
- c. All papers shall be submitted to Judge Wilkes and served by e-mail on all counsel. Upon completion of the expedited briefing schedule set out above, the moving party shall provide hard copies of all submissions to Judge Wilkes by Overnight mail or courier.
- d. Judge Wilkes shall notify the parties if he would like argument on any motion. In such case, the moving party shall arrange for a court reporter or for any telephonic hearing to be recorded and later transcribed.

WHEREFORE, the Parties respectfully request that the Court approve this Stipulation.

Dated: April 8, 2020

Respectfully submitted,

<p><i>City of Huntington</i> By Counsel:</p> <p><u>/s/ Anne McGinness Kearse</u> Anne McGinness Kearse (WVSB No. 12547) Joseph F. Rice MOTLEY RICE LLC 28 Bridgeside Blvd. Mount Pleasant, South Carolina 29464 Tel.: (843) 216-9000</p>	<p><i>McKesson Corporation</i> By Counsel:</p> <p><u>/s/ Jeffrey M. Wakefield</u> Jeffrey M. Wakefield (WVSB No. 3894) Jason L. Holliday (WVSB No. 12749) FLAHERTY SENSABAUGH BONASSO PLLC P.O. Box 3843 Charleston, West Virginia 25338-3843</p>
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Date:

STIPULATION APPROVED:

DAVID A. FABER
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of April, 2020, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF Systems.

/s/Jeffrey M. Wakefield
Jeffrey M. Wakefield